

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DARRIN WILLIAM MATT,

Plaintiff,

vs.

CSKT GOVERNMENT LAW AND
ORDER AGENCY, LAKE COUNTY
JAIL, RONAN POLICE
DEPARTMENT, LAKE COUNTY
SHERIFF'S OFFICE,

Defendants.

CV-23-0015-M-DLC-KLD

ORDER

Plaintiff Darrin William Matt filed a Complaint alleging violations of his constitutional rights. (Doc. 2). The Court previously screened Matt's Complaint and Amended Complaint and determined that he failed to state a claim for relief. However, he was granted one final opportunity to comply with the Court's direction. (Doc. 10.) He filed a Second Amended Complaint on June 28, 2023. (Doc. 10.) The Court concludes Matt's Complaint must be dismissed.

The Court's prior screening Orders detailed the several reasons that Matt's first two Complaints failed to state a claim. (Doc. 6.) In his Second Amended Complaint, Matt has again disregarded the Court's admonishment regarding the requirements of Fed. R. Civ. P. 8. Once again, Matt has "mix[ed] allegations of relevant facts, irrelevant facts, political argument, . . . legal argument," *McHenry v.*

Renne, 84 F.3d 1172, 1174 (9th Cir. 1996), and “storytelling.” *Id.* at 1176. Even as to the claim identified by the Court as possibly viable, he has failed to state what each defendant did, the approximate date of the occurrence, and how that action violated or caused a violation of a federal right. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Matt’s Second Amended Complaint fails to comply with Rule 8.

For the substantive reasons detailed in the Court’s first screening Order (Doc. 6), and for his failure to comply with the Court’s directions as to Rule 8 in its prior two Orders, Matt’s Complaint will be dismissed.

Accordingly, it is HEREBY ORDERED:

1. The Clerk of Court is direct to close this matter and enter judgment pursuant to Fed. R. Civ. P. 58.
2. Pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Matt’s filing of this action counts as one strike against him.
3. The Clerk of Court should be directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith.

DATED this 14th day of August, 2023.



Dana L. Christensen, District Judge
United States District Court